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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): CHOW ET AL.

Docket: 285-237 PCT US

U.S. National Phase of International  
Application: PCT/US02/41444

Group Art Unit:

Filing Date: June 28, 2004

Dated: May 25, 2004

For: BONE FASTENERS AND METHOD FOR STABILIZING VERTEBRAL  
BONE FACETS USING THE BONE FASTENERS

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
MAIL STOP PCT

STATUS INQUIRY

Enclosed are copies of transmittal papers for the above-identified U.S. national phase application filed June 28, 2004 under Certificate of Express Mail No. EV 480870830 US. Also enclosed is a copy of the Express Mail receipt documenting deposit of these application papers at the U.S. Postal Service on June 28, 2004.

To date, no documents have been received from the Patent and Trademark Office concerning filing of this application. Accordingly, please provide an update on the status of this application.

Respectfully submitted,



George M. Kaplan

Reg. No. 28,375


Attorney for Applicant

DILWORTH & BARRESE LLP.  
333 Earle Ovington Boulevard  
Uniondale, New York 11553  
Tel. No. (516) 228-8484

CERTIFICATE OF FACSIMILE

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office (1-703-872-9306) on the date shown below.

Dated: November 15, 2004

  
George M. Kaplan

FORM PTO-1300 (REV. 11-2003)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTORNEY'S DOCKET NUMBER 285-237 PCT US
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371				U.S. APPLICATION NO. (if known, see 37 CFR 1.5)
INTERNATIONAL APPLICATION NO. PCT/US02/41444	INTERNATIONAL FILING DATE Dec. 27, 2002	PRIORITY DATE CLAIMED Dec. 27, 2001		
TITLE OF INVENTION BONE FASTENERS AND METHOD FOR STABILIZING VERTEBRAL BONE FACETS USING THE BONE FASTENERS				
APPLICANT(S) FOR DO/EO/US David Chow, Perry Geremakis, Eric Martz, Stephen Howard Hochschuler, Daniel E. Rosenthal, Steven Annunziato and Larry C. Johnston				
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:				
<p>1. <input checked="" type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a filing under 35 U.S.C. 371.</p> <p>2. <input type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a filing under 35 U.S.C. 371.</p> <p>3. <input checked="" type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.</p> <p>4. <input type="checkbox"/> The US has been elected by the expiration of 19 months from the priority date (Article 31).</p> <p>5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2))</p> <p>a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).</p> <p>b. <input checked="" type="checkbox"/> has been communicated by the International Bureau.</p> <p>c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</p> <p>6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).</p> <p>a. <input type="checkbox"/> is attached hereto.</p> <p>b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</p> <p>7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))</p> <p>a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).</p> <p>b. <input type="checkbox"/> have been communicated by the International Bureau.</p> <p>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</p> <p>d. <input type="checkbox"/> have not been made and will not be made.</p> <p>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)).</p> <p>9. <input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</p> <p>10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</p> <p>Items 11 to 20 below concern document(s) or information included:</p> <p>11. <input checked="" type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</p> <p>12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</p> <p>13. <input type="checkbox"/> A <b>FIRST</b> preliminary amendment.</p> <p>14. <input type="checkbox"/> A <b>SECOND</b> or <b>SUBSEQUENT</b> preliminary amendment.</p> <p>15. <input type="checkbox"/> A substitute specification.</p> <p>16. <input type="checkbox"/> A change of power of attorney and/or address letter.</p> <p>17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825.</p> <p>18. <input type="checkbox"/> A second copy of the published international application under 35 U.S.C. 154(d)(4).</p> <p>19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).</p> <p>20. <input type="checkbox"/> Other items or information:</p>				
<p>I hereby certify that this correspondence and the documents referred to in the enclosed are being deposited with the United States Postal Service on date below in an envelope as "Express Mail Post Office to Addressee" Mail Label Number 8V 46070830 US addressed to: Mail Stop 200, Communications for Postage, P.O. Box 1599, Alexandria, VA 22313-1450.</p> <p>Dated: June 28, 2004</p> <p>CERTIFICATION UNDER 37 C.F.R. § 1.10</p> <p><i>George M. Kaplan</i> George M. Kaplan</p>				

U.S. APPLICATION NO. (If known, use 37 CFR 1.51)		INTERNATIONAL APPLICATION NO. PCT/US02/41444		ATTORNEY'S DOCKET NUMBER 285-237 PCT US	
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<p>21. <input checked="" type="checkbox"/> The following fees are submitted:</p> <p><b>BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)):</b></p> <p>Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO. .... \$1080.00</p> <p>International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO ..... \$920.00</p> <p>International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO ..... \$770.00</p> <p>International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) ..... \$730.00</p> <p>International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) ..... \$100.00</p> <p style="text-align: center;"><b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b></p> <p>Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th style="width:20%;">CLAIMS</th> <th style="width:20%;">NUMBER FILED</th> <th style="width:20%;">NUMBER EXTRA</th> <th style="width:20%;">RATE</th> <th style="width:20%;"></th> </tr> <tr> <td>Total claims</td> <td>40 - 20 =</td> <td>20</td> <td>x \$18.00</td> <td>\$ \$360.00</td> </tr> <tr> <td>Independent claims</td> <td>7 - 3 =</td> <td>4</td> <td>x \$86.00</td> <td>\$ \$344.00</td> </tr> <tr> <td colspan="4">MULTIPLE DEPENDENT CLAIM(S) (if applicable)</td> <td>+ \$290.00</td> </tr> <tr> <td colspan="4" style="text-align: center;"><b>TOTAL OF ABOVE CALCULATIONS =</b></td> <td>\$ \$1,624.00</td> </tr> </table> <p><input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2. .... + \$ \$812.00</p> <p style="text-align: center;"><b>SUBTOTAL =</b></p> <p>Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)).</p> <p style="text-align: center;"><b>TOTAL NATIONAL FEE =</b></p> <p>Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +</p> <p style="text-align: center;"><b>TOTAL FEES ENCLOSED =</b></p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:60%;"></td> <td style="width:20%;">Amount to be refunded:</td> <td style="width:20%;">\$</td> </tr> <tr> <td></td> <td>charged:</td> <td>\$</td> </tr> </table>				CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		Total claims	40 - 20 =	20	x \$18.00	\$ \$360.00	Independent claims	7 - 3 =	4	x \$86.00	\$ \$344.00	MULTIPLE DEPENDENT CLAIM(S) (if applicable)				+ \$290.00	<b>TOTAL OF ABOVE CALCULATIONS =</b>				\$ \$1,624.00		Amount to be refunded:	\$		charged:	\$	<p style="text-align: center;"><b>CALCULATIONS PTO USE ONLY</b></p>	
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	Amount to be refunded:	\$																																		
	charged:	\$																																		

a. ☒ A check in the amount of \$ \$812.00 to cover the above fees is enclosed.

b. ☐ Please charge my Deposit Account No. 04-1121 in the amount of \$ \_\_\_\_\_ to cover the above fees. A duplicate copy of this sheet is enclosed.

c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 04-1121. A duplicate copy of this sheet is enclosed.

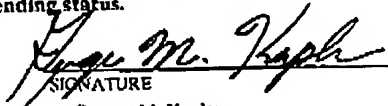
d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**NOTE:** Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137 (a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:  
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 SIGNATURE  
 George M. Kaplan  
 NAME  
 28,375  
 REGISTRATION NUMBER

PAGE 4/4 \* RCVD AT 11/15/2004 3:49:07 PM [Eastern Standard Time] \* SVR:USPTO-EFXXRF-1/4 \* DNIS:8729306 \* CSID:5162284975 \* DURATION (mm:ss):01:44